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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,308	11/13/2001	Keizo Yamanaka	54888US006	8396

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 18 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some* ☐ None of the:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☒ Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachments

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 0415 (2)
0513
0709
0131 (2) ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit 1771

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicants regard as their invention.

3. Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More particularly, the Examiner finds applicants' format in claim 1 wherein the claimed sheet "comprises" a particular structure followed later thereon by the phrase "with or without an intermediate layer therebetween" to be unduly vague and indefinite with respect to just what layers may or may not be present. Additionally, with respect to the dependent claims, starting with claim 4 and continuing thereon, it appears that a significant number of these claims may be de facto duplicate claims. The Examiner believes that applicants might well wish to revise their claims such as in the manner set forth beginning at page 7, line 16 and continuing onto page 8 line 18 of the specification, or a very similar format thereto. Additionally, independent method claims 17 and 18 are also

Art Unit 1771

subject to the same analysis as was claim 1 with respect to just what layered elements may exist therein.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

5. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japanese Patent Showa (49-29613). Note particularly the translation, the title, page 1 paragraph No. 1, page 2 second and third complete paragraphs, page 3, bottom paragraph - page 4, second complete paragraph, page 5, paragraphs 1 and 2. The reference clearly discloses the preparation of a pressure

Art Unit 1771

sensitive adhesive ~~tape~~ coated onto a suitable backing such as tetrafluoroethylene which is irradiated with a suitable ionization radiation beam (page 2, second complete paragraph) whereby the anchoring force of the adhesive agent relative to the substrate material is greatly improved, which is substantially all applicants' broad independent claim 1 requires.

Additionally, the cross-linking limitations set forth in claims 2-4 are believed inherent, as is the presence in claims 5-7 of at least 10 weight percent or more of fluorine in the fluorine containing sheet. Alternatively, if such is not the case for the dependent claims, these are each believed to be at most obvious optimizations to one of ordinary skill, in the absence of unexpected results.

8. Claims 8-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent (-613). The reference is again relied upon substantially as set forth above, which sets limitations as the selection of various elements to make the claimed sheet transparent or alternatively to use it as a protective film are each believed to be well within the ordinary skill of the art. Note also as evidence of the state of the art Kelber, U.S. 4,861,408, (note particularly the Abstract, column 1 lines 12-18, column 2 lines 32-61, column 3 lines 1-4, lines 29-49, line 60 - column 4 line 17). In particular, note that a wide variety of fluorine containing polymers are suitable

Art Unit 1771

for being treated by electron bombardment, an electron beam wherein the electron bombardment is conducted in such a manner as to produce a very specific predetermined treatment of the surface being bombarded (e.g. column 3 lines 29-49). Accordingly, one of ordinary skill, motivated by an expectation of improved bonding properties between the various layers of the fluorine containing sheet and the coated pressure sensitive sheet which may also contain an intermediate layer would have no problem in modifying the tape (i.e. sheet) article set forth in JP -613 and thereby form, or clearly render obvious the claimed genus of articles. With respect to the method claims, these each involve only nominal method steps and are clearly set forth in the disclosure, particularly of JP -613 at pages 4 and 5 of the specification. Other parameters that are not either expressly or inherently disclosed are each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also Horiuchi et al. (U.S. 5,047,287).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

Serial No. 10/009,308

-6-

Art Unit 1771

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

July 14, 2003

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300-
1700

Daniel Zinker